

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RYAN, LLC,
et al.,

Plaintiffs and Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Case No. 3:24-cv-986-E

**UNOPPOSED MOTION OF TWELVE TEXAS LOCAL ELECTED
OFFICIALS FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE***

Amici curiae, twelve current and former Texas local elected officials, respectfully submit this motion for leave to file the attached brief in opposition to the pending Motions to Stay Effective Date and Preliminary Injunction, ECF 23 and 46, pursuant to Local Rule 7.2(b). All parties consent to the filing of this brief.

Amici are local elected officials from cities across Texas, representing a variety of communities with a range of local economies, needs, and perspectives. As local elected leaders, *amici* are dedicated to creating healthy economic conditions for our constituents, which includes ample job opportunities and rights for workers. The FTC's Final Rule is well suited to promote economic activity and provide protections for workers. By limiting the free movement of labor in our communities, noncompete agreements impede small-business formation and innovation, undermine patient care, and restrict wages.

"The extent to which the court permits or denies *amicus* briefing lies solely within the court's discretion." *Texas v. United States*, No. 6:21-CV-00003, 2021 WL 2172837 (S.D. Tex. Mar. 5, 2021) quoting *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007). A court may grant leave to allow *amicus* briefing if the information offered is timely and useful. *Waste Mgmt. of Pennsylvania, Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995).

Amici respectfully submit that the attached proposed brief will be useful to the Court in resolving the pending motions. The substance of the brief directly addresses the issue before the Court, emphasizing the necessity for the FTC's Final Rule to protect economic growth in our jurisdictions and provide crucial rights for our constituents. Moreover, the proposed brief will not cause delay and will be filed to allow appropriate time for the Court's review ahead of its decision.

CONCLUSION

For the reasons described above, *amici* Local Officials respectfully ask the Court to grant leave to file the attached brief in opposition of Plaintiff's Motions.

Respectfully submitted,

/s/ Darren P. Nicholson

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Counsel for *Amici Curiae*

**Pro hac vice* application forthcoming.

CERTIFICATE OF CONFERENCE

I hereby certify that on May 30, 2024, I conferred with counsel for Plaintiff, counsel for Plaintiffs-Intervenors, and counsel for the FTC regarding the above motion. Counsel for Plaintiff, Plaintiffs-Intervenors, and the FTC consent to the relief requested.

/s/ Darren P. Nicholson

Darren P. Nicholson

CERTIFICATE OF SERVICE

I certify that on May 31, 2024, I electronically filed this document using the ECF System, which will send notification to the ECF counsel of record.

/s/ Darren P. Nicholson

Darren P. Nicholson